

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

NAME OF PLAINTIFF)
)
<u>PHILLIP KEMPER</u>)
)
) CIVIL ACTION NO.
) 1:22-CV-02689-STA-jay
NAME OF DEFENDANT)
)
<u>CITY OF JACKSON, TENNESSEE,</u>)
<u>JULIAN WISER, INDIVIDUALLY</u>)
<u>and IN HIS OFFICIAL CAPACITY</u>)
<u>AS CHIEF OF POLICE OF</u>)
<u>JACKSON, TENNESSEE and SCOTT</u>)
<u>CONGER, INDIVIDUALLY and IN</u>)
<u>HIS OFFICIAL CAPACITY AS</u>)
<u>MAYOR OF JACKSON, TENNESSEE</u>)

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF RESPONSE
TO DEFENDANT'S MOTION TO CONTINUE TRIAL**

COMES NOW the Plaintiff, Phillip Kemper, by and through counsel, and hereby submits this Memorandum in Support to his Response to Defendant's Motion to Continue Trial as follows:

1. Defendant's assertions made to the court that Plaintiff intended to file another lawsuit on grounds of Retaliation are incorrect.
2. On or about January 16, 2025 Plaintiff's counsel received a phone call from Defendant's counsel, John Burleson, stating that the City intended to terminate the

employment of the Plaintiff due to the fact that Plaintiff had taken an interim Chief of Police position in Medina, Tennessee.

3. Later that day, Plaintiff's counsel received a letter (Exhibit #1) addressed to Plaintiff, Kemper, advising him that his position was being terminated.
4. Since this letter involved the perspective termination of the Plaintiff, Plaintiff's counsel made the comment to Burleson that it appeared to be "Retaliation" since no charges had been filed.
5. The City of Jackson Employee Handbook – Disciplinary and Grievance Procedures-Administrative Hearing require that the employee be given an administrative hearing for both paid suspension and unpaid suspension.(Exhibit #2)
6. Plaintiff's counsel never insinuated or stated that any additional lawsuit would be forthcoming.
7. Immediately upon receipt of Chief Corley's letter (Exhibit #1) the Plaintiff promptly responded with a reply that he had no intentions of resigning from Jackson Police Department by him taking the position as interim Chief of Medina.(Exhibit #3)
8. In their Motion for Continuance the Defendants stated that there are 16 offenses they allege were pending in the investigation against the Plaintiff, Kemper, however, this information is not true as reflected in the deposition Testimony of Henning who was monitoring Amber Shaw's investigation efforts. (Exhibit #4 – Henning Depo pgs. 11 - 30)
9. Defendant's retained investigator, Amber Shaw, she filed her report on April 11, 2022.

10. Amber Shaw did not make any recommendations that charges be brought against Kemper and no other investigation activity was transpiring up to and until this lawsuit was filed October 6, 2022.
11. The deposition testimony of Personnel Director, Henning, reveals that no other investigations were being conducted nor were any planned.
12. Since the Plaintiff has been on administrative leave for over two (2) years now without being charged, Plaintiff asserts the City has by far relinquished any right to now issue charges against Plaintiff.

CONCLUSION

As a result of the aforementioned the Plaintiff request that the Defendants Motion to Continue Trial be hereby denied.

Respectfully submitted,

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s/Clyde W. Keenan

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 7th day of February, 2025 a true and correct copy of the foregoing has been served on the following:

John D. Burleson, BPR No 010400
Matthew R. Courtner, BPR No. 029113
Attorney for Defendant's City of Jackson, Julian Wiser, official capacity
and Mayor Conger
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s/Clyde W. Keenan

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